

LINGEL H. WINTERS, ESQ. (SBN 37759)  
LAW OFFICES OF LINGEL H. WINTERS  
A PROFESSIONAL CORPORATION  
One Maritime Plaza, Suite 400  
San Francisco, CA 94111  
Telephone: (415) 398-2941  
Facsimile: (415) 393-9887

GIRARDI & KEESE  
THOMAS V. GIRARDI (SBN 36603)  
1126 Wilshire Blvd.  
Los Angeles, CA 90017-1904  
Telephone (213) 977-0211

Attorneys for Plaintiff and the Putative Class

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

IN RE TFT-LCD (FLAT  
PANEL) ANTITRUST LITIGATION

MDL No. M:07-cv-01827 SI

Case No. C-07-cv-2796 SI

## CLASS ACTION

## **MOTION FOR ORDER SHORTENING TIME**

Date: July 10, 2007  
Time: 10:00 a.m.

Hon. Susan Illston  
Courtroom: 10

*EMW, Inc. v. LG Philips LCD CO., LTD et al.*  
Case No. C-07-2796 SI

## THIS DOCUMENT RELATES TO

## ALL INDIRECT PURCHASER ACTIONS

Pursuant to Civil Local Rule 6-3, plaintiff and moving party EMW, Inc. moves the Court for an order shortening time to hear plaintiff's Motion To Appoint Interim Class Counsel For the California Indirect Purchasers Subgroup.

On June 4, 2007, plaintiff EMW, Inc. filed its Reply Memorandum Indirect Purchaser Leadership Proposal of Lingel H. Winters P.C. in the belief that the hearing on various class

1 motions was firmly set for June 8, 2007 and that there was no further time in which to take  
2 action. On June 5, 2007, the Court continued the motions to July 10, 2007. With this  
3 continuance in hand, plaintiff undertook to engage co-counsel to join in filing its Motion To  
4 Appoint Interim Class Counsel For the California Indirect Purchasers Subgroup. On June 18,  
5 Thomas V. Girardi of Girardi & Keese agreed to join as co-counsel and plaintiff set about  
6 finalizing said Motion. It is believed that said Motion will simplify the case and increase the  
7 manageability and judicial economy for the case, and that therefore, it is in the interest of all  
8 parties and the Court for said Motion to be heard on July 10, 2007.

9  
10 Substantial harm or prejudice will occur if the time for hearing the motion is not shortened in  
11 several regards:

- 12  
13 1) The Court and putative classes will be deprived of the appropriate competition among  
14 law firms for service to them.  
15  
16 2) The manageability of the indirect purchasers action may be adversely affected by  
17 consolidated representation of claimants claiming under the laws of 20-30 different  
18 states. The Motion contends that manageability and commonality can only be achieved  
19 by subgrouping the various claims.

20 Some counsel claim that claimants claiming under the differing laws of 20-30 states may  
21 be represented by one consolidated group of attorneys. Plaintiff contends that such  
22 representation could undermine commonality and predominance and lead to conflicts.  
23 Plaintiff contends that there is a natural subgrouping that arises from the complaint in  
24 *Eliasoph v. LG Philips Co, Ltd. et al.*, breaks the claimants down into three natural groups:

- 25 1) Subgroup One: California Claims (*Eliasoph* Second, Third Claims)  
26  
27 2) SubGroup Two: Claims under Other Repealer States with laws  
28 involving "Violations of State Antitrust and Unfair Competition

1 Laws" – *Eliasoph Fourth Claim*)

2 3) Subgroup Three: Claims under State laws claimed as "Violations of  
3 State Consumer Protection and Unfair Competition Laws – *Eliasoph*  
4 Fifth Claim.

5 In such cases as *Walsh v. Ford Motor Co.* (D.C. Cir. 1986) 807 F.2d 1000, 1017 and *In Re*  
6 *School Asbestos Litigation* 789 F.2d 996 (3<sup>rd</sup> Cir. 1986), the Courts concluded various and  
7 differing state claims may satisfy the predominance and commonality requirement where  
8 subgrouping of such State claims is employed.

9 The Motion also contends that such subgrouping minimizes conflicts.

10 Since multiple parties are involved in this complex action, the best notice is by ECF and it  
11 would be impractical to seek stipulation.

12 WHEFORE plaintiff prays for an Order Shortening Time for plaintiff's Motion to Appoint  
13 Interim Class Counsel For the California Indirect Purchasers Subgroup.

14 Dated: June 21, 2007

15 LAW OFFICES OF LINGEL H. WINTERS  
16 A PROFESSIONAL CORPORATION

17 By:

18 Lingel H. Winters



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